

## KENTUCKY REAL ESTATE APPRAISERS BOARD

### TYPE OF MEETING

Regular Meeting

### DATE AND LOCATION

March 25, 2016 - Board Office

### PRESIDING OFFICER

Thomas Oliver, Chair

### ROLL CALL

Present:

Thomas Oliver, Board Member  
Jeff Fultz, Board Member  
Kathy Mayfield, Board Member  
Dann Cann, Board Member  
Dwain Wheeler, Board Member

Present Also:

Larry Disney, Executive Director  
Tom Veit, Executive Assistant  
Angie Thomas, Staff Assistant  
Kim Mathias, Executive Secretary  
Nicole Biddle, Attorney General Office

Chair, Thomas Oliver opened the meeting by welcoming the guest in attendance.

### MINUTES

Motion by Dwain Wheeler, second by Jeff Fultz and the Board unanimously approved the February 25, 2016 minutes. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

## EDUCATION

Motion by Kathy Mayfield, second by Jeff Fultz and the Board unanimously approved the following education courses for Fiscal Year 2015-2016. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

1. American Society of Farm Managers & Rural Appraisers
  - A. Appraising Rural Residential Properties – 8 hours CE classroom
  - B. Appraising Ag Facilities: Poultry Seminar – 8 hours CE classroom
2. McKissock
  - A. Basic Hotel Appraising – Limited Service Hotels – 7 hours CE online
  - B. Appraisal of Single Tenant Distribution Centers – 6 hours CE online

## EXPERIENCE REVIEW

Motion by Kathy Mayfield, second by Dwain Wheeler and the Board unanimously approved the experience for the following individual. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

1. Amelia Demoisey – Approve experience for Certified Residential. She needs to pass the Certified Residential exam.

## CERTIFICATION/LICENSURE

Approval – Appraisers – Motion by Jeff Fultz, second by Dwain Wheeler and the Board voted to approve the following certification list of appraisers. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

1. Appraisers
  - A. John A. Brosky – Associate
  - B. Brandon V. Childers – Certified Residential (FL)
  - C. Mark A. Conner – Certified General (TN)
  - D. Creighton R. Cross – Certified General (TN)
  - E. Kevin E. Grimes – Certified General
  - F. Aaron J. Hale - Associate
  - G. Ryan M. Hlubb – Certified General (PA)
  - H. Kevin L. Howard – Associate
  - I. Laikan M. Lester – Associate

J. Jeffrey J. Plancon – Certified Residential (IL)  
K. Russell S. Rivard – Certified General (TX)  
L. Rajesh P. Shah – Certified General (OH)  
M. Scott A. Wiseman – Certified General (MO)

2. Applicant with prior conviction – Motion by Jeff Fultz, second by Kathy Mayfield and the Board voted to approve the Associate application of Aaron Hale. The certification list will be changed to reflect the approval. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

## COMPLAINT

1. The Board reviewed the Case Summary Chart. Tom Veit reported 5 appraiser cases and 0 AMC case have been filed for 2016.
2. Case No. 15-25– Motion by Kathy Mayfield, second by Dann Cann and the Board agreed to dismiss the case. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler –recused himself from any vote because he is participating in the pre-adjudicative phase of this preceding.
3. Case No. 15-26 – Motion by Dann Cann second by Jeff Fultz and the Board agreed to dismiss the case. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler –recused himself from any vote because he is participating in the pre-adjudicative phase of this preceding.
4. Case No. 15-28 · Motion by Dwain Wheeler, second by Kathy Mayfield and the Board unanimously agreed to set the case for an informal mediation and if not successful, to set the case for a hearing. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes
5. Case No. 15-21 · Motion by Dwain Wheeler, second by Dann Cann and the Board unanimously agreed to set the case for an informal mediation and if not successful, to set the case for a hearing. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes
6. Case No. 15-18 – Motion by Dwain Wheeler second by Kathy Mayfield and the Board unanimously agreed to dismiss the case. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.
7. Motion by Jeff Fultz, second by Dwain Wheeler and the Board agreed to send a letter to the AMC identifying the problem on how the request was sent to the appraiser. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

8. Case No. 15-19 – Motion by Jeff Fultz, second by Dwain Wheeler and the Board agreed to draft a legal settlement and issue an agreed order. Roll call – Kathy Mayfield – Yes; Dann Cann – recused himself from any vote because he is participating in the pre-adjudicative phase of this preceding. Jeff Fultz – Yes; Dwain Wheeler - Yes
9. Case No. 15-31 - Motion by Jeff Fultz, second by Dann Cann and the Board agreed to dismiss the case. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - recused himself from any vote because he is participating in the pre-adjudicative phase of this preceding.
10. Case No. 15-11 – Motion by Kathy Mayfield, second by Dann Cann and the Board agreed to accept the agreed order. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - recused himself from any vote because he is participating in the pre-adjudicative phase of this preceding.
  - A. Cline hereby agrees that his Certified General Real Property Appraiser certificate number 4241 held by Mr. Cline is suspended for a period of one year. Six months of the suspension shall be served beginning May 1, 2016 and ending October 31, 2016 with the remainder of the suspension probated provided that the conditions set forth in paragraph 6 of this Agreed Order are met.
  - B. Cline hereby agrees to not appraise any properties greater than 1-4 residential use, vacant or improved, for a period of three (3) years for the date of the signed agreed order.
  - C. Cline shall have no associate real property appraisers or assume no responsibility for supervising real property appraisers for a period of 2-years from the date of the signed agreed order;
  - D. Cline agrees to submit an experience log of work each quarter for two years. Cline shall grant the Board members, Board staff, or assigns of the Board access to all appraisal, appraisal review and appraisal consulting files at such time as a request to view the files is presented.
  - E. Cline agrees that if the term of the agreed order set forth in 6(a) is not completed by October 31, 2016, then the Board shall suspend his certificate (no. 4241).
11. Case No. 15-03 – Motion by Jeff Fultz, second by Kathy Mayfield and the Board agreed to accept the agreed order. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - recused himself from any vote because he is participating in the pre-adjudicative phase of this preceding.
  - A. Richards shall complete a 15 hour Residential Site Valuation and Cost Approach course with successful completion of the examination and a 15 hour Residential Market Analysis and Highest and Best Use course with

successful completion of the examination. Said 30 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by June 30, 2016.

- B. Richards shall submit a log of assignments to the KREAB office every quarter for two (2) years from the date the Agreed Order is signed, and the KREAB staff or designee shall have the right to request and review reports from the log upon notice to the respondent.
  - C. Richards shall have no associate real property appraisers or assume no responsibility for supervising real property appraisers for a period of 2-years from the date of the signed agreed order;
  - D. Richards agrees that the Board shall not renew his certification for the 2016 renewal cycle July 1, 2016 until he has completed the requirements of the terms set out in paragraphs (a) of this order.
12. Case No. 15-23 – Motion by Dann Cann, second by Kathy Mayfield and the Board agreed to accept the agreed order. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – recused himself from any vote because he is participating in the pre-adjudicative phase of this preceding; Dwain Wheeler – Yes.
- A. Henderson certificate number 4167 is suspended for a period of thirty (30) days; the suspension shall be served beginning June 17, 2016 and ending July 16, 2016.
  - B. Henderson shall submit a log of assignments to the KREAB office every quarter for a period of 2 years from the date the Agreed Order is signed, and the KREAB staff or designee shall have the right to request and review reports from the log upon notice to the respondent.
  - C. Henderson agrees to no Associate appraisers for 2 years from the date of the agreed order.

## ATTORNEY REPORT

- 1. Cases pending or on appeal
  - A. Matt Miniard – Case 10-18 – KY Supreme Court ruled in favor of the KREAB. Case Closed
  - B. David Harrington – Case Nos. 08-49 through 08-57, 09-02, 09-03 and 09-07 – KY Court of Appeals waiting on decision
  - C. Richard Sceifers – Pending agreement

## MISCELLANEOUS

The Board reviewed and discussed the following information:

A. Budget Ending February 24, 2016

B. Personal Service Contracts/RFP for FY 2016 – 2018

1. Investigative Services – Motion by Jeff Fultz, second by Kathy Mayfield and the Board unanimously agreed to issue an RFP for investigative services and the contract will be set at \$20,000 (\$10,000 for FY 16-17 and \$10,000 for FY 17-18). Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes
2. Appraiser Testing Services – Motion by Dann Cann, second by Dwain Wheeler and the Board agreed to request a Non-competitive bid and issue a PSC to the current testing provider, PSI. The contract will be set at \$10,000 for FY's 16-18. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes.
3. Legal Services - Motion by Jeff Fultz, second by Dwain Wheeler and the Board agreed to renew the contract with McBrayer, McGinnis, Leslie and Kirkland for an additional two (2) years. The contract will be set at \$20,000 (\$10,000 for FY 16-17 and \$10,000 for FY 17-18). Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes.
4. Customary Fee Study - Motion by Dann Cann, second by Kathy Mayfield and the Board agreed to renew the contract with State of Louisiana for an additional two (2) years. The contract will be set at \$10,000. Roll call –Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes.

C. Budget awarded for FY 16-17 and FY 17-18

- D. Budget ending June 30, 2016 – The Board was notified that the Budget Committee denied the request to obtain \$25,000 from the Board reserve account. A motion was made by Dann Cann, second by Dwain Wheeler to accept the staff recommended cuts to bring to the budget back into balance for fiscal year ending June 30, 2016. Roll call –Kathy Mayfield – No; Dann Cann – Yes; Jeff Fultz – No; Dwain Wheeler – Yes. Board Chair, Thomas Oliver voted Yes to break the tie vote. Jeff Fultz felt the decision to deny the request was unfair and without the appropriate funds the Board cannot serve the appraisers as needed. Jeff Fultz and Kathy Mayfield both expressed they were supporting the staff in their recommendations but did not agree with the Budget Committee decision.

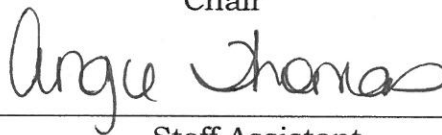
- E. A motion was made by Jeff Fultz, second by Dwain Wheeler to send a letter to the Budget Committee that denied the allotment increase. Roll call –Kathy Mayfield – No; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes.
- F. April Board Meeting has been cancelled due to the budget spending cuts for FY ending June 30, 2016.
- G. April KREAB Seminar – April 15, 2016 – Florence, KY
- H. May Board Meeting – May 27, 2016 at the Board office.

Motion by Dann Cann, second by Dwain Wheeler and the Board unanimously agreed to adjourn the meeting.



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Chair



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Staff Assistant